

INSTRUCTIONS FOR GRIEVANCE MEDIATION FORM***{Do not file this sheet with PERC}***

- A. RULES** The Public Employment Relations Commission (PERC) provides grievance mediation services under Chapters 391-55 and 391-08 WAC. Those rules are available from PERC at (360) 570-7300 or on the web at www.perc.wa.gov.
- B. WHO CAN FILE** Only the employer and/or the exclusive bargaining representative (the parties to the collective bargaining agreement) can file or process a grievance mediation case. Individual employees do not have legal standing to file or process these cases.
- C. FORM** Fill in all blanks on the form for which you have information (you are not required to know what representative another party will use).

PARTIES

- The "Employer" must be a party to the collective bargaining agreement under which the grievance is to be mediated.
- The "Employee Organization" must be the other party to the collective bargaining agreement under which the grievance arises.
- Employer business examples are: City, County, State Agency, School District, Community College, University, Port District.
- Department examples are: Police, Fire, Public Works, Corrections, Transportation, Multi-department, Employer-wide.
- Indicate the number of employees in the bargaining unit.
- Describe the bargaining unit by listing the types of employees included and excluded, OR insert the number of the contract page where the recognition clause is found, OR insert the case number or decision number from the latest PERC certification or unit clarification.
- ATTACH a copy of the collective bargaining agreement under which the dispute arises (unbound documents are preferred).

GRIEVANCE Describe the dispute. If more space is needed, ATTACH ADDITIONAL SHEETS containing the information.

REQUEST Indicate the nature of the request:

STAFF MEDIATORS – PERC assigns members of its staff to mediate grievances, without charge to the parties. Grievance mediation services are subject to interruption or delay, however, if the staff member is assigned other cases of a higher priority.

DISPUTE RESOLUTION PANEL – PERC maintains a list of independent professionals qualified to act as mediators of labor-management disputes. See WAC 391-55-110. PERC supplies lists of Dispute Resolution Panel members upon request of parties, without charge to the parties. Referrals are generated at random, selected by computer. To reduce the need for parties to request additional lists when one or more listed panel members is unavailable, PERC routinely supplies two more names than are requested by the parties. What the parties do with the extra names is left entirely to the parties. PERC does not become involved in arrangements between parties and Dispute Resolution Panel members, and all fees and expenses charged by selected Dispute Resolution Panel members are the responsibility of the parties.

D. COMMUNICATIONS

FILING WITH PERC See WAC 391-08-120(1) and (2). Mediation requests and other papers concerning the processing of a case are "filed" only when actually received by PERC by ONE of these methods:

- Take or send the papers to PERC's Olympia office (street and mailing addresses at top of form).
- File by fax to (360) 570-7334 PLUS mail the original papers to PERC's Olympia office on the same day.
- File by e-mail attachment to filing@perc.wa.gov PLUS mail the original papers to PERC's Olympia office on the same day.

COPIES TO OTHER PARTIES See WAC 391-08-120(3) through (5). A party that files a mediation request or other paper concerning the processing of a case with PERC must give or send a copy to each of the other parties to the case. Service on other parties shall be completed no later than the day the document is filed with PERC.

- Service may be made personally, and is completed when delivered in the manner provided in RCW 4.28.080.
- Service may be made by first class, registered, or certified mail, and is completed upon deposit in the United States mail (properly addressed with postage prepaid).
- Service may be made by commercial parcel delivery company, and is completed upon delivery to the parcel delivery company (properly addressed with charges prepaid).
- Service may be made by fax, and is completed when the sender's fax machine produces a confirmation of transmission, PLUS same day mailing of a copy of the papers (properly addressed with postage prepaid).
- Service may be made by e-mail attachment, and is completed upon transmission, PLUS same day mailing of a copy of the papers (properly addressed with postage prepaid).

On the same day that service is completed, the person who completed the service must either: (1) obtain an acknowledgment of service from the person who accepted personal service; or (2) make a certificate of service stating the date of service and the method of service.

CONFIDENTIALITY IN MEDIATION Once a mediator is assigned, parties may exchange proposals and related materials with the mediator privately. In order to protect the confidential nature of the mediation process, PERC rules prohibit disclosure to any person of papers kept by any member of the Commission or its staff as a record of communications made or received while acting in the capacity of mediator between the parties to a labor dispute. See WAC 391-08-810. Additionally, no subpoena shall be issued or given effect to require the attendance and testimony of, or the production of evidence by, any member of the Commission or any member of the PERC staff. See WAC 391-08-310.

- E. AGREEMENT TO ARBITRATE** The availability of PERC's grievance mediation services is limited to cases in which the parties have agreed in advance that any unresolved issues which either party desires to pursue further will be submitted to an arbitrator for a final and binding determination.
- F. NORMAL CASE PROCESSING** A mediator may meet with the parties jointly or separately, and take other appropriate steps to persuade the parties to resolve their differences and reach an agreement. A mediator works without power of compulsion. The steps that usually occur in grievance mediation are described in materials available under the "SERVICES" tab on the PERC website: www.perc.wa.gov.